

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JUL 20 2015

JULIA C. DUDLEY, CLERK  
BY: DEPUTY CLERK

UNITED STATES OF AMERICA,

) CASE NO. 5:09CR00018

) (CASE NO. 5:15cv80835 )

)

v. ) FINAL ORDER

)

JAMES RICHARD HACKLEY, IV,

) By: Hon. Glen E. Conrad

Defendant. ) Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that defendant's submission titled "DEFENDANTS' MOTION TO HAVE THE GOVERNMENT RE-OPEN PRIOR PLEA AGREEMENT" (ECF No. 168) is hereby **CONSTRUED** as a motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255, and the clerk is **DIRECTED** to docket it as such; this § 2255 motion is hereby **DISMISSED** as successive under § 2255(h) and is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 17<sup>th</sup> day of July, 2015.

  
\_\_\_\_\_  
Chief United States District Judge